

REMARKS/ARGUMENTS

In the Official Action, claims 1-4 were rejected under 35 U.S.C. § 102(e) as being anticipated by PARK et al. (U.S. Patent Application Publication No. 2005/0280014 A1). Claims 1-2 and 5-16 were rejected under 35 U.S.C. § 103(a) as being unpatentable over LOWERY (U.S. Patent No. 6,504,301 B1).

Upon entry of the amendment, claims 1-7 and 14 have been amended. New claims 17-18 have been added. Thus, claims 1-18 are currently pending for consideration by the Examiner. Support for claim 17 and 18 are found on Applicants' specification pages 22 and 22-23, respectively.

In the Official Action, claims 1-4 were rejected under 35 U.S.C. § 102(e) as being anticipated by PARK. With regard to independent claim 1, the Official Action asserts that PARK discloses all of the features recited in the claims. Contrary to this assertion, Applicants submit that PARK fails to disclose all of the features recited in claim 1.

For instance, the Official Action asserts that PARK's resin material (126) and resin material portion (126a) correspond to Applicants' claimed wavelength converter. However, Applicants submit that a review of PARK's LED package (100), illustrated in PARK's Figure 3, shows a distinct difference between Applicants' claimed wavelength converter and PARK's resin material (126) and resin material portion (126a).

Applicants' claim 1 explicitly recites that the wavelength converter is disposed so as to cover the recess *and an edge area around the recess*. In contrast, PARK's resin material (126) fails to cover the edge area around the recess. Additionally, PARK's resin material portion (126a), having overflowed from the recess with the cup part (114) after filling the recess with the

resin material (126), also fails to cover the edge area around the recess. In order to illustrate this deficiency in PARK, Applicants have reproduced PARK's Figure 3, which is provided below.

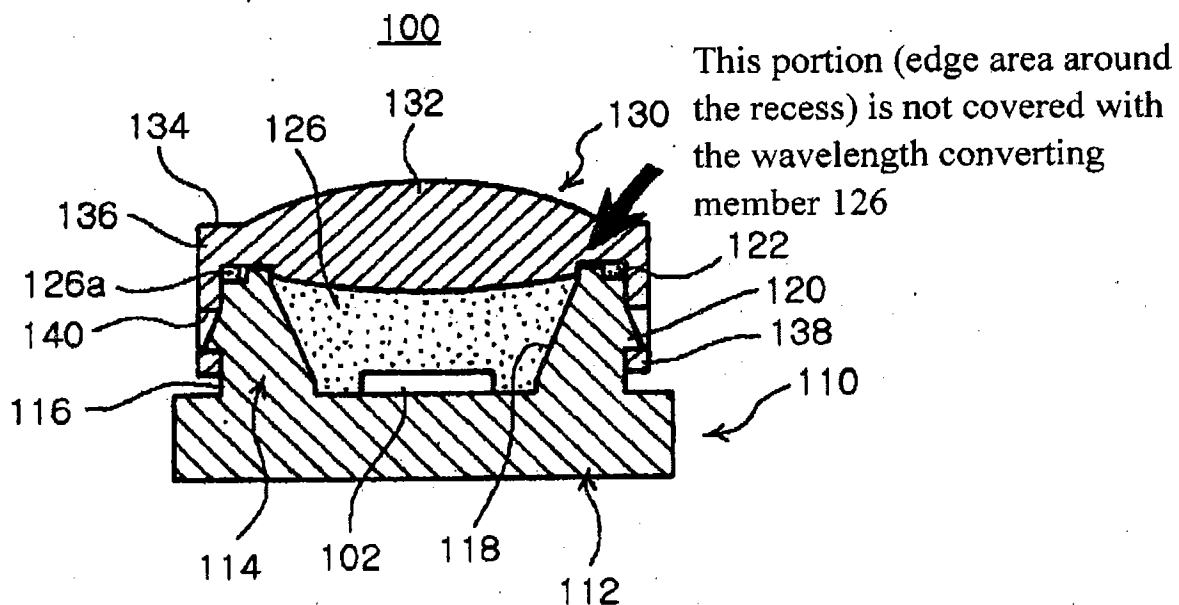


FIG. 3

As is illustrated in PARK's Figure 3 provided above, neither PARK's resin material (126) nor PARK's resin material portion (126a) cover the edge area around the recess.

Thus, for at least the reasons discussed above, Applicants submit that PARK fails to anticipate independent claim 1 since PARK fails to disclose each and every feature of claim 1.

Applicants also submit that PARK fails to anticipate dependent claims 2-4 for at least the reasons discussed above regarding independent claim 1, and further for the additional features recited therein.

For instance, dependent claim 3 explicitly recites that the emission controller comprises a *light blocking frame* disposed on the light output side of the wavelength converter at a location corresponding to the edge area around the recess, the *light blocking frame* having an opening of substantially the same shape as the opening of the recess. The Official Action asserts that PARK's elements (134), (136), and (138) collectively comprise such a light blocking frame. However, contrary to this assertion, Applicants submit that PARK's collective elements (134), (136), and (138) could not possibly correspond to Applicants' *light blocking frame* since PARK's elements are formed integrally of a transparent material, and thus, fail to block light. For instance, see PARK's paragraphs [0049] and [0055].

Accordingly, for at least the reasons discussed above, Applicants respectively request that the rejection of claims 1-4 under 35 U.S.C. § 102(e) as being anticipated by PARK be withdrawn.

In the Official Action, claims 1-2 and 5-16 were rejected under 35 U.S.C. § 103(a) as being unpatentable over LOWERY. With regard to independent claim 1, the Official Action asserts that LOWERY discloses most of the features recited in the claims. However, the Official Action acknowledges that LOWERY fails to disclose an emission controller that prevents the emission of light coming from an area of the wavelength converter that corresponds to the edge area around the recess. In order to remedy this deficiency, the Official Action asserts that forming LOWERY's emission controller (54) with a smaller circumference, and preventing light

emission in the area of the wavelength converter (52) that would then correspond to an edge area around the recess would have been obvious to one of ordinary skill in the art.

Applicants note that the Official Action fails to provide any evidentiary support for this conclusion of obviousness asserted above other than citing In re Dailey, 357 F.2d 669, 149 U.S.P.Q. 47 (CCPA 1966). In interpreting In re Dailey, M.P.E.P Section 2144.04 IV. B. states that Dailey's claimed disposable plastic nursing container was a matter of choice which a person of ordinary skill in the art would have found obvious absent a persuasive evidence that the particular configuration of the claimed container was significant. Accordingly, Applicants submit that In re Dailey does not apply in this situation since Applicants' specification is replete with discussion relating to the significance of the configuration of Applicants' claimed light emitting device. For instance, Applicant's paragraph [0030] discusses the significance of the configuration of the emission controller for preventing uneven color for appearing due to the difference in color between light emitted from the central area of the wavelength converter and light emitted from the edge area of the wavelength converter. Thus, Applicants submit that independent claim 1 would not have been obvious in view of LOWERY.

Additionally, for the sake of argument, even if LOWERY's end face (the face receiving light) of LOWERY's lens (54) is formed to be smaller than the light output side of LOWERY's wavelength converter (52), light coming from an area of the wavelength converter that would correspond to the edge area around the recess would travel toward the light output side of the device and would come out of the device without passing through LOWERY's lens (54). As a result, the lens in LOWERY's modified configuration would fail to prevent the emission of light coming from the area of the wavelength converter that corresponds to the edge area around the recess, as explicitly recited in Applicants' claim 1.

For at least the reasons discussed above, Applicants submit that independent claim 1 would not have been obvious to one of ordinary skill in the art at the time of the invention in view of LOWERY. Applicants also submit that dependent claims 2 and 5-16 are patentable for at least the reasons discussed above regarding independent claim 1, and further for the additional features recited therein.

For instance, Applicants' dependent claim 2 explicitly recites that the light input portion of the optical member has a recessed space such that an opening of the light input portion has substantially the same shape as the opening of the recess in the mounting substrate, which LOWERY fails to disclose.

Accordingly, for at least the reasons discussed above, Applicants respectfully request that the rejection of claims 1-2 and 5-16 under 35 U.S.C. § 103(a) as being unpatentable over LOWERY be withdrawn.

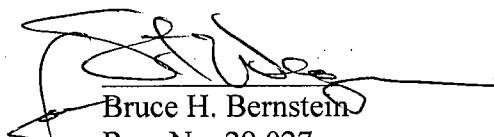
SUMMARY

From the amendments, arguments, and remarks provided above, Applicants submit that all of the pending claims in the present application are patentable over the references cited by the Examiner, either alone or in combination. Accordingly, reconsideration of the outstanding Official Action is respectfully requested and an indication of the allowance of claims 1-18 is now believed to be appropriate.

Applicant notes that this amendment is being made to advance prosecution of the application to allowance, and should not be considered as surrendering equivalents of the territory between the claims prior to the present amendment and the amended claims. Further, no acquiescence as to the propriety of the Examiner's rejections is made by the present amendment. All other amendments to the claims which have been made in this amendment, and which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

Should there be any questions, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully Submitted,
Kouji NISHIOKA et al.



Bruce H. Bernstein
Reg. No. 29,027

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GREENBLUM & BERNSTEIN, P.L.C.
1950 Roland Clarke Place
Reston, VA 20191
(703) 716-1191

Steven Wegman
Reg. No. 31,438